

1 Daniel J. Bergeson (Bar No. 105439/dbergeson@be-law.com)
2 Hway-Ling Hsu (Bar No. 196178/hhsu@be-law.com)
3 BERGESON, LLP
4 303 Almaden Boulevard, Suite 500
5 San Jose, CA 95110-2712
6 Telephone: (408) 291-6200
7 Facsimile: (408) 297-6000

8 Attorneys for HERBALIFE INTERNATIONAL, INC.

9 Juanita Brooks (SBN 75934/brooks@fr.com)
10 Carlyn Hacker (SBN 227851/hacker@fr.com)
11 FISH & RICHARDSON P.C.
12 12390 El Camino Real
13 San Diego, CA 92130-2081
14 Telephone: (858) 678-5070
15 Facsimile: (858) 678-5099

ORDER E-FILED 5/10/06

16 Attorneys for Plaintiffs UNITHER PHARMA, INC., THE
17 BOARD OF TRUSTEES OF THE LELAND STANFORD
18 JUNIOR UNIVERSITY, and NEW YORK MEDICAL
19 COLLEGE

20 Additional Counsel Appear On Signature Page

21 UNITED STATES DISTRICT COURT

22 NORTHERN DISTRICT OF CALIFORNIA

23 SAN JOSE DIVISION

24 HERBALIFE INTERNATIONAL, INC.,

25 Plaintiff,

26 v.

27 UNITHER PHARMA, INC., THE BOARD
28 OF TRUSTEES OF THE LELAND
STANFORD JUNIOR UNIVERSITY and
NEW YORK MEDICAL COLLEGE,

Defendants.

Case No. C03-5878 (JW) &
C03-5090 (JW)

Related Case Nos. C02-5284 (JW) &
C03-0415 (JW)

**STIPULATED REQUEST FOR
EXPEDITED HEARING AND
BRIEFING SCHEDULE ON MOTION
FOR PROTECTIVE ORDER
AND ORDER
(CIVIL LOCAL RULE 6-2)**

DATE: MAY 22, 2006 (requested)
TIME: TBD

HONORABLE HOWARD R. LLOYD

(MODIFIED BY THE COURT)

1 UNITHER PHARMA, INC., THE BOARD
2 OF TRUSTEES OF THE LELAND
3 STANFORD JUNIOR UNIVERSITY, and
NEW YORK MEDICAL COLLEGE,

4 Plaintiffs,

5 v.

6 HERBALIFE INTERNATIONAL, INC.,

7 Defendant.
8

9
10 WHEREAS, Unither Pharma, Inc., The Board of Trustees of The Leland Stanford Junior
11 University, and New York Medical College (collectively “Unither”) noticed the Rule 30(b)(6)
12 deposition of Herbalife International, Inc. (“Herbalife”) to take place May 10 and May 12, 2006
13 in the above-captioned matters;

14 WHEREAS, Herbalife intends to move this Court on May 8, 2006 for a protective order
15 precluding Unither from proceeding with certain topics (the “Motion”);

16 WHEREAS, Civil Local Rule 7-2 requires that all motions must be filed, served and
17 noticed in writing on the motion calendar of the assigned Judge for hearing not less than 35 days
18 after service of the motion;

19 WHEREAS, a fully noticed motion under Civil Local Rule 7-2 would not allow for a
20 ruling on the disputed discovery request prior to the close of fact discovery in this matter;

21 WHEREAS, the parties believe it will benefit all parties and that good cause exists to have
22 the Motion resolved on an expedited basis, prior to the close of fact discovery in this matter;

23 WHEREAS, the parties have agreed to a modified, expedited briefing schedule for the
24 Motion;

25 WHEREAS, the parties have met and conferred and, pursuant to Civil L.R. 6-2 and 7-11.
26 IT IS HEREBY STIPULATED by and between the parties, through their respective counsel of
27 record that:

- 28 1. Herbalife shall serve and file the Motion on May 8, 2006.

2. Unither shall file and serve its papers in opposition to the Motion on or before May 11, 2006.

3. Herbalife shall file and serve reply papers in support of the Motion, if any, on or before May 15, 2006.

4. The Parties respectfully request that the hearing on the Motion take place on May 22, 2006 (or as soon thereafter as is convenient for the Court).

IT IS SO STIPULATED.

Dated: May 8, 2006

By: _____/s/_____

Daniel J. Bergeson (Bar No. 105439)
Hway-ling Hsu (Bar No. 196178)
BERGESON, LLP
303 Almaden Boulevard, Suite 500
San Jose, CA 95110
Telephone: (408) 291-6200
Facsimile: (408) 297-6000
dbergeson@be-law.com
hhsu@be-law.com

James W. Dabney (*pro hac vice*)
Stephen S. Rabinowitz
FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON, LLP
One New York Plaza
New York, NY 10004
Telephone: (212) 859-8000
Facsimilie: (212) 859-4000
dabnejam@ffhsj.com
rabinst@ffhsj.com

Laura A. Coruzzi (*pro hac vice*)
JONES DAY
222 East 41st Street
New York, NY 10017
Telephone: (212) 326-3939
Facsimile: (212) 755-7306
lacoruzzi@jonesday.com
Attorneys for HERBALIFE
INTERNATIONAL, INC.

1 Dated: May 8, 2006

By: Kel Boyd

Juanita Brooks (SBN 75934)
Carlyn Hacker (SBN 227851)
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130-2081
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
brooks@fr.com
hacker@fr.com

Karen I. Boyd (SBN 189808)
Limin Zheng (SBN 226875)
FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071
boyd@fr.com
zheng@fr.com

Attorneys for Plaintiffs
UNITHER PHARMA, INC., THE BOARD OF
TRUSTEES OF THE LELAND STANFORD
JUNIOR UNIVERSITY, and NEW YORK
MEDICAL COLLEGE

Herbalife's motion for protective order will be heard on May 23, 2006, 10:00 a.m. in Courtroom
2. The parties shall otherwise proceed as set forth in their stipulation.

~~PURSUANT TO STIPULATION,~~

IT IS SO ORDERED.

Dated: May 10, 2006


UNITED STATES MAGISTRATE JUDGE
HOWARD R. LLOYD